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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,391	05/09/2001	Yoshiaki Moriyama	041465-5111	3429

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EXAMINER

LANIER, BENJAMIN E

ART UNIT PAPER NUMBER

2132

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/851,391

Applicant(s)

MORIYAMA ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-7, 12-14, 19, 22, 25, 27, 28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 12, 19, 22, 25, 27, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 February 2006 has been entered.

### ***Response to Amendment***

2. Applicant's amendment filed 21 December 2005 amends claims 1, 5, 12, 19, and 22. Applicant's amendment has been fully considered and is entered.

### ***Response to Arguments***

3. Applicant's arguments, filed 21 December 2005, with respect to the Hashimoto reference, except for claims 25 and 28, and the 112 first paragraph rejections have been fully considered and are persuasive. The rejections have been withdrawn.

4. Applicant's arguments with respect to claims 25 and 28 are not persuasive because Hashimoto discloses prohibiting recording, which meets the limitation of prohibition of reproducing.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1, 5, 6, 12, 19, 22, 25, 27, 28, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites, "with that included in a selected condition" on page 1 of the claims, line 15. The limitation should read "...with a selected condition." Similar correction should be made to claims 5, 12, 19, 22, 25, 28.

8. Claim 1 recites the limitation "descramble system in the recording process". There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "descramble system in the reproducing process". There is insufficient antecedent basis for this limitation in the claim.

10. Applicant merely claims a descramble system in claim 1 and never limits where the descramble system is located.

11. Claim 1 recites, "wherein, in the reproducing process, the scramble system applying step applies three different kinds of scramble systems to..., and to the information signal with the first copy control information outputted from a receiving apparatus", which renders the claim indefinite because it is unclear how an information signal is output from a receiving device to the reproducing process without being recorded on a recording medium. Referring to figure 1 in particular, there does not appear to be a direct path from the receiving apparatus to the reproducing apparatus as required by the claims. This rejection also applies to claims 19, 22.

12. Claim 1 recites the limitation "the other types of the descramble systems" on page 2 of the claims, line 5. There is insufficient antecedent basis for this limitation in the claim. This rejection also applies to claims 5, 12, 19, 22.

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13. Claims 6, 13, 27, 30 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 25, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto, EP 938,091. Referring to claims 25, 28, Hashimoto discloses an information recording system wherein data is recorded and encrypted, with copy control information, in different modes to allow for varied copy protection. When the data is received the copy control information and encryption mode indicator are read from the data header to determine the copy protection that will be implemented during storage. The copy control information indicates “free”, “once”, or “prohibited” in conformity with the copy restriction state of the corresponding data (Col. 8, lines 14-53), which meets the limitation of a discriminating step of discriminating the type of scramble system of the read information and the type of the copy control information of the read information signal. The encryption mode indicator (EMI) indicates the encryption mode of the data. More specifically the EMI indicates mode A for copy-prohibited data, mode B for copy once data, or free for non-encrypted copy free contents data (Col. 8, line 54 – Col. 9, line 1. A decryptor provides decryption of the input data signals (Col. 7, lines 41-44). The encrypted signal contains an EMI code in the header that identifies a mode of encryption/decryption that is used. The EMI codes indicate different modes that include copy prohibited mode, copy

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once mode, and a copy freely mode (Col. 8, line 56 – Col. 9, line 1). In the case where digital information is recorded on a storage medium in an encryption form using the copy once mode, once the digital information is decrypted, it would be recorded using the copy prohibited mode since the allotted one copy has been made, which meets the limitation of a forbidding reproducing step of forbidding reproducing the read information signal when a combination of the discriminated type of the scramble system and the discriminated type of the copy control information does not coincide with that included in a selected condition, wherein the selected condition includes combinations of a plurality of types of scramble systems applicable to the information signal and a plurality of types of the copy control information to eliminate copying of the information signal via an unauthorized path. Similarly decryption of the digital information recorded on a storage medium in an encryption form using the copy once mode would decrypt the digital information using a decryption method compatible with the copy once mode, and decrypt the encrypted information that is later encrypted using copy prohibited mode using a decryption method compatible with copy prohibited mode.

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kori, U.S. Patent No. 6,480,607

Okuyama, U.S. Patent No. 5,987,126

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

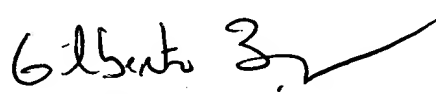
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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